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HASTINGS LAW NEWS



VOL. II, NO. VIII

198 McAllister St, San Francisco, CA 94102

January 20, 1971

Rules Announced For Implementation Of New Grading System

by Ben Winslow

This issue of the Hastings Law News introduces to students the "new" grading proposal as submitted to the faculty on January 12, 1971. The faculty has already voted (December 5, 1970) to implement a new system at Hastings that includes the options of 1) Pass/Fail [the two-tier system]; 2) Honors, High-Pass, Pass, Fail, [the four-tier system]; and 3) the old numerical system. Students probably are aware that this vote was a compromise as most students had voted last year for the implementation of the four-tier system. This new proposal in no way affects the faculty vote of December 5, 1970...it is merely an attempt to define what that vote meant and how the new system will be implemented.

In conversation with Dean Anderson, he has made it clear that the new system is a reality and all that remains is to set standards and define the details of administering the system. The purpose of the following material is to allow the faculty to pass upon the administration's viewpoint concerning implementation of the new system.

GROSS INEQUALITIES

When the student proposal for the four-tier system was defeated, and the current adopted, many students immediately realized that the "option" given students would create gross inequalities between the two systems. For example, a student who chose Pass/Fail and failed 12 units with a 69 average in his first year would be eliminated from the College, while a student who chose the numerical system and received 12 units of 69 could "balance" these units with higher scores in other classes and thus stay in school. This inequality has been remedied in the following proposal which was written by the Administration with the help of several students.

In the new proposal, a student not receiving a numerical average of 70, after electing to be graded numerically, will not be eliminated after the first year if he has not failed more than eleven units. Conversely, a "four-tier" student who fails more than eleven units will not be eliminated if he has a numerical average of 68 or better. This system will apply in all three years, and also to graduating seniors. This builds in safeguards in both systems and provides equitable treatment for all students -- no matter which system they elect.

In other words, the student who elects the two-tier or four-tier system but fails more than 19 units may still graduate if he has compensated for this by having better than a seventy average and the student who elected the numeri-

cal system but had less than a 70 average may graduate if he has failed less than 20 units.

A student committee has been set up to make recommendations to the Dean on the new system. The committee consists of Joan Graham, Ken Steelberg, Bruce Rosenthal, and Ben Winslow.

The following points listed below should lay to rest a number of rumors, as they represent information received directly from the Dean's office:

1. The system will not be postponed until next year.
2. Second and third year students will not be penalized for not taking finals last year. In other words, second and third year students will be allowed to pass and graduate if they fail less than eighteen or twenty units, respectively.
3. The faculty will vote on the implementation proposal in two or three weeks.
4. Students will opt for their particular system after mid-year finals and before grades are released.

[Cont' on Page Three]



ASH PRESIDENT JAMIE SUTTON

[Photo by Azoff]

Message from A. S. H. President

ASH has been inactive, but this is going to change, both within the College and in the community as well.

Internally, Hastings should strive to become a Community of Scholars and to this end I envision the following:

- 1) A cultural program that makes Hastings more than classrooms and a library,
- 2) Developed communications between students, faculty, and administration by:

a) Student representation on those faculty committees whose decisions directly effect the students in an effort to provide immediate and direct suggestions and responses to the matters discussed and thus ideas to produce a

[Cont' on Page Four]

Mayor Jos. Alioto Questioned by Students On Urban Problems

by George Beiler

San Francisco Mayor Joseph L. Alioto visited the College last Thursday to field questions from an audience of about 150 students.

The Mayor began the ninety-minute session by urging students to be "personal and controversial" in their questions, and added that he would reserve the same privilege for his answers. That set the tone for the debate, in which the Mayor was repeatedly challenged on some of his more controversial decisions.

HIGH-RISE BUILDINGS

During the discussion, Mayor Alioto had several chances to defend his support of high-rise office buildings. He pointed out that tall buildings leave more space open on the ground, and that the "great cities of the world have both height and variety." At one point, he described tall buildings as "intensive employment," and commented that the Bank of America Building employs 7500 people.

When asked about the use of Chinatown redevelopment lands for a luxury hotel, instead of housing, he replied

[Cont' on Page Two]

Dean Anderson Announces Formation of Admissions Committees

In an interview last week, Marvin J. Anderson, Dean of the College, announced plans for the implementation of new procedures for admitting students to the first year class.

In accordance with the general policy statement issued last Fall, Anderson explained that starting this Spring, applications of those wishing to enter the College will be evaluated by admissions committees. At the present time, there are plans for five of these committees. Each committee will consist of one student and one faculty member. The reason for having five committees instead of one committee is to expedite evaluation of applications, and assuring that applications receive the amount of consideration they deserve.

NUMERICAL FACTOR

At the present time, there are about fifty applications which are ready to be evaluated. That is, there are fifty applications which have been assigned a numerical factor of sixteen to eighteen on the basis of undergraduate grade average and score on the LSAT. These ap-

[Cont' on Page Four]

HASTINGS LAW News



Kenneth P. Steelberg.....Editor-in-Chief
Michele Schultz.....Managing Editor
George Beiler.....Contributing Editor
Ed Litwin.....Contributing Editor

HASTINGS LAW JOURNAL OUTLINES PROCEDURE USED BY NON- STAFF MEMBERS TO PUBLISH ARTICLE

by Ed Litwin
Contributing Editor

A close look at the coming January issue of the Hastings Law Journal will reveal something different. An article will be published in it that was written by a student at Hastings. The thing that is different is that the student is not on the journal staff.

Although it is not without precedent, most students are of the opinion that they are not eligible to submit articles for consideration if they are not staff members. This is not true, but in the past very few non-staff students have ever had articles published.

Articles of journalistic quality are always being sought by the editors. But most students are not willing to go through the tedious process of turning an idea into a journal article. The process involves much research, composing drafts, editing, cite checking, and more drafting and revising. When the final result is completed it is submitted to be either accepted or rejected, for various reasons.

DISCOURAGEMENT

Many become discouraged after the first few drafts. But according to Editor-in-Chief Curtis Berner, all articles must go through the rigorous process of revision. Even articles by professors and authorities requested to submit have an initial mortality rate of sixty percent.

There are many reasons for the rate being so high, according to Berner. First, an article has to be of extremely good overall quality. Then it must be a fairly original approach to a problem. If the problem does not cover a significant or relevant field, it is culled. The editors are looking for something of practical that can be used by lawyers, clerks, and other law students.

While the content must be up to quality standards, the article must also be mechanically correct. Rules of grammar, organization, and citation, and other matters must be impeccably followed.

To compose a worthy article takes time, and when it seems like there is no more time available, even more time. Take, for example, Richard Canatela, whose article will be in the January issue. Dick got an idea that he started doing some research in. He was in an advantageous position in that he was working for an attorney when he was doing his preliminary research.

Canatela happened to be attending summer school with a couple of the journal staff members and was referred to the first issue editor with his idea which was now in draft form. The editor accepted the substance of the article and the argument presented.

The article required a lot of reworking. Staff members edited and made suggestions or revisions. In looking back Canatela remembers "about the only thing that was not thrown out was the essential idea. Canatela spent a lot of time with the staff but he spent much more time in research. Preliminary research took an estimated thirty to forty days. The writing took six drafts and innumerable smaller revisions.

Even with all the monotonous work involved, he still feels that it was a satisfying experience. First, he says, "there is no getting around the sense of accomplishment." Second, it has been an invaluable introduction to this kind of work which he hopes will help him when he graduates from Hastings.

"The most important ingredient in writing for the Journal is perseverance," states Canatela, as he recalled the hundreds of hours of research and poring over and revising the unacceptable manuscripts.

While the selection of next year's staff members will probably be a little different than in the past, the number of positions open are still few. The new system seems likely to be implemented but the final word will come from the next editorial board. If the plan is adopted part of the staff will be accepted on the basis of grades as in the past, and part will be accepted on the results of a written competition. Topics in the competitive writings will be similar to those of the next year's journal, and the winners of the competition will thus have their writings published.

For any student who is not a member of the staff and who does not think he would like to be, but would still like to submit an article to the staff for consideration, the topics for next year's journal are as follows: 1) November Issue; Officially open but probably with a stress on women's rights, 2) January Issue; Prisons and prisoners, 3) February Issue; Multi-jurisdictional government, 4) March Issue; Ninth Circuit Review, a review of any important decision in that district, 5) May Issue; Population and the law, including such topics as abortion, contraception, and the legal possibility of a crowded city to refuse to allow newcomers to settle.

If a student wants to write an article the first step is to clear the topic with the editor to prevent overlapping and duplication. Then the final accepted draft must be submitted no later than three months before the issue in which it is to appear will be published.

ALIOTO...

(Cont' from p. 1)

that the hotel would produce jobs for minorities, which would enable Chinese to buy houses. He added that a large percentage of housing sales in Richmond have been to Chinese.

SHOUTING MATCH

At one point, the Mayor told a student who challenged the composition of the advisory committee in the Haight-Ashbury that he didn't know what the hell he was talking about. A brief shouting match took place before the Mayor was able to finish his answer.

On two occasions, the Mayor was challenged on sex discrimination. He vigorously denied a charge by a female student that there weren't enough women on city commissions, but confessed ignorance on sex discrimination in the legal profession.

If I find that there are a disproportionate number of women in city legal positions," he joked, "I'll try to get one of their jobs."

Faculty Profile

by George Beiler
Contributing Editor

Among the members of the College Adjunct Faculty, Dr. Martin G. Blinder is perhaps the busiest. [Pronounced "blender"]

In addition to his duties at the College, the 33-year-old expert in forensic psychiatry is medical director of the Family Therapy Institute in Marin County, a psychiatric consultant at Laguna Honda Hospital in Marin, and a frequent expert witness in court cases involving psychiatry.

Dr. Blinder has appeared in cases ranging from legal insanity to child custody, and has recently testified in many obscenity cases. Last year, he appeared on NBC TV to comment on the report of the President's Commission on Pornography.

PORNOGRAPHY NOT HARMFUL

Although Dr. Blinder would not recommend most pornographic films as entertainment, he commented that "there is not one shred of evidence that pornography is harmful." He added that "it would have to be very harmful to equal the harm that could be done to democracy by zealous, however, well-intentioned, with the power to close theaters and burn books."

At Hastings, Blinder assists in the Law and Medicine Course, which is a part of the Hastings/Boalt Clinical Program. His subject matter includes all aspects of psychiatry which are of legal importance, including legal insanity, marital problems, and examination of psychiatric expert witnesses.

Dr. Blinder suggested that clinical work, in both law and medicine, should be expanded to produce closer integration of the two disciplines. "I think there should be practicing attorneys in medical school and practicing physicians in Law School," he commented. He added that Law students should work with a family which has medical-legal problems, under the supervision of an attorney, from their first day of class.

COOKBOOK

At home, Dr. Blinder is interested in organic foods. "We grow our own foods and vegetables," he explained, "and try not to mix in substances which have been shown to be incompatible with life."

With his wife, Blinder is the co-author of a cookbook, The Lucretia Borgia Guide to Cooking, which they wrote because they thought it would sell.

Despite its forbidding title, the book has sold well. Blinder insisted that the recipes are not as dangerous as one might think from the title, and recommended them to the Hastings Food Service Committee.

The extent of Blinder's activities leads one to wonder how anyone can do so much. "I do it all," he confessed, "by encouraging those who interview me to be as brief in their questioning as possible."

Throughout the debate, Mayor Alioto responded vigorously and extensively to questions. Several times, he took the offensive to list his administration's accomplishments in related matters.

[Cont' from p. 1]

5. There will be a meeting in the Commons to inform students about all of the ramifications.

Your comments will be appreciated. What follows is an excerpt from the message from the Office of the Dean to the Faculty on January 12, 1971:

WHEREAS, the academic standards of Hastings College of the Law have continued to rise in recent years; and
WHEREAS, with a similar increase in admission requirements, it is expected that the academic standards will continue to rise; and
WHEREAS, in recognition of the higher admission standards which are now in effect at the College, the Faculty in 1968 voted to allow students with a weighted average for a year's work of 68 to, but not including, 70 to continue into the next year on probation; and
WHEREAS, the faculty at that time also approved graduation of a third year student if his third year average is 68, but less than 70, provided his three year cumulative average is 70 or better,,
NOW THEREFORE, BE IT RESOLVED that the following sets forth the grading and academic standards of Hastings College of the Law, University of California:

1. Students shall have an option to choose any one of three grading systems listed below. With the exception of the second and third year classes at the time of the adoption of this Resolution, a student shall elect the system under which he desires to be graded at least one month prior to the commencement of the year-end examinations of his first year. Once an election becomes final in the first year, no change may be made during the remainder of the student's studies at the College.
2. All grading by the faculty shall be on a numerical system of 50 to 100. Conversion of the numerical grade to the non-numerical equivalent will be completed by the Administration to avoid any increase in faculty work load and in conformity with the usual practices at a number of law schools.
3. The options for grading shall be:

A. The Numerical System

All grades are computed on a percentage basis; letter grades are not awarded, as such, in any course. A weighted average grade of 70% is required, in the work of each academic year.

The yearly average grade of each student is based on the percentage grade in each subject, weighted according to the number of units in each. The following scale indicates the relation of percentage to letter grades: 85-100 = A (Excellent); 78-84 = B (Good); 70-77 = C (Satisfactory); 62-69 = D (Unsatisfactory); Below 62 = F (Failure).

The following are the academic requirements for the numerical system:

First Year Students

1) To pass unconditionally to the second year, a student must receive at least a weighted numerical average of 70 for all units taken.

2) Students who achieve a weighted numerical average of 68 to, but not including, 70 may continue as second year students on probation.

3) A student who makes a weighted average of below 68 in first year studies is permanently excluded from the College unless the student has fewer than 12 unsatisfactory units, in which case a student may, upon recommendation by the Academic Evaluations Committee and approved by the Faculty, continue into the second year on probation.

Second Year Students

1) To pass unconditionally to the second year, a student must receive at least a weighted numerical average of 70 for all units taken.

2) Students on probation during their second year who do not achieve a weighted numerical average of 72 in their second year studies will be permanently excluded from the College.

3) Students not on probation who achieve a weighted numerical average in their second year studies of 68 to, but not including, 70 may continue as third year students on probation.

4) A student who makes a weighted numerical average of below 68 in second year studies is permanently excluded from the College unless the student has fewer than 18 satisfactory units cumulatively, in which case a student may, on recommendation by the Academic Evaluations Committee and approved by the Faculty, continue into the third year on probation. THIS PROVISION DOES NOT APPLY TO STUDENTS ENTERING THE SECOND YEAR ON PROBATION.

Third Year Students

1) To graduate, a student must receive at least a weighted numerical average of 70 for all units taken.

2) Students not on probation who achieve a numerical average in their third year studies of 68 to, but not including, 70 may graduate providing their cumulative numerical average is 70 or better.

3) Students not on probation in the third year and who either 1) achieve a weighted numerical average of 68 to, but not including, 70 and a cumulative average of 70 or above may graduate if he has fewer than 20 units cumulative of unsatisfactory work in his College studies. If, however, a student has more than 19 units of unsatisfactory work cumulatively the student must re-examine in all third year courses in which an unsatisfactory grade was received and will be graduated after re-examination only if a weighted numerical average of 70 or better is received in those courses. THIS PROVISION DOES NOT APPLY TO STUDENT WHO ENTER THE THIRD YEAR ON PROBATION.

4) A third year student who at the end of the first semester receives a grade of below 70 in a course which is given in the second semester, may elect to re-examine during the regularly scheduled examination for that course at the end of the semester. The grade for the second semester will be the final grade in that subject and will be substituted for the prior grade in computing the yearly average and no subsequent re-examination in this course will be permitted. THIS PROVISION DOES NOT APPLY TO THIRD YEAR STUDENTS ENTERING ON PROBATION.

B. The Four-Tier System

The grades in this category are: **Honors** (85-100) Reserved for those students whose academic performance is outstanding. **High Pass** (78-84) Awarded to students whose performance is above average, more than satisfactory, but not exceptional enough to warrant honors. **Pass** (70-77) The normal grade signifying competent performance. At the bottom of the scale, pass represents the absolute minimum of acceptable performance. **Fail** Signifies unacceptable performance (below 70.)

The following are the academic requirements for the four-tier system:

1) Students not failing more than 11 units shall pass unconditionally into the second year.

2) Students failing more than 11 units will be permanently excluded from the College unless the student has a weighted average of 68 or better in which case the student may continue as a second year student on probation.

Second Year Students

1) Students on probation during their second year may continue to the third year if they do not fail more than 17 units cumulatively by the end of their second semester of their second year, and achieve a weighted numerical average of 72 in second year studies.

2) Students not on probation during the second year pass unconditionally to the third year if they have not failed

more than 17 units cumulatively at the end of the second year.

3) Students who have failed more than 17 units cumulatively at the end of the second year will be permanently excluded from the College unless their second year numerical average is 68 or better, in which case they may continue to the third year on probation. This provision does not apply to students who enter the second year on probation.

Third Year Students

1) Students on probation during the third year may graduate if they do not fail more than 19 units cumulatively during their three years of study, and achieve a numerical average of 72 in third year studies.

2) Students not on probation during the third year may graduate if they have not failed more than 19 units cumulatively during their three years of study.

3) Students who have failed more than 19 units cumulatively by the end of the third year, but who have a cumulative numerical average of 70 or better may graduate. However, students who have failed more than 19 units cumulatively by the end of the third year, but who achieve a numerical average of 68 to, but not including, 70 in third year studies may graduate only after re-examination in those courses failed during the third year if 1) he passes each of those courses or 2) achieves a cumulative average of 70 or better in all three years of study at the College.

4) A third year student who at the end of the first semester receives a failing grade in a course which is given the second semester, may elect to re-examine in that course at the end of the second semester. The grade for the second semester will be the final grade in that subject and will be substituted for the prior grade in determining the number of hours of failure. This provision does not apply to third year students entering on probation.

C. Pass/Fail System

The grades in this category are: **Pass** - Includes the "Honors", "High Pass" and "Pass" categories in B, above, under the four-tier system; **Fail** -- The same as "Fail" in the four-tier system. The academic requirements for this system are the same as those for the four-tier system.

Under either the two-tier or four-tier systems a student who exceeds the maximum number of failing units, but whose numerical weighted average would be sufficient to warrant other action may, upon recommendation by the Academic Evaluations Committee and approval by the Faculty, be permitted to continue on probation.

NOW, THEREFORE, BE IT RESOLVED that the following sets forth the grading and academic standards of Hastings College of the Law, University of California:

1) Students shall have an option to choose any one of three grading systems listed below. With the exception of the second and third year classes at the time of the adoption of this Resolution, a student shall elect the system under which he desires to be graded prior to the commencement of the year end examinations of his first year. Once an election becomes final in the first year, no change may be made.

2) All grading by the faculty will be on a numerical system of 50 to 100. Conversion of a numerical grade to the non-numerical equivalent will be completed by the administration.

BE IT FURTHER RESOLVED THAT the faculty is acutely aware of the need for a method of evaluating a student's performance providing a balanced and objective recognition of student educational effort without compromise of academic standards. No grading system is perfect, and the above optional system is no exception. Any new system carries with it reservations as to whether it is practical.



To the Editor:

Dean Joe Munster, esteemed professor in contracts, evidence, and war stories; faculty advisor to the Law Journal and J.A.G., has been dealt a cruel blow. But we, the young law students, searching for knowledge as unceasingly as we do, have been dealt the cruelest blow. For we will not have the benefit of Joe's wisdom, which he took pen in foot (sic) to convey to us. His article, his wisdom, has been rejected by our Law Journal. Sure they say they did everything they could do to salvage his article (allegedly, three people tried to re-write the article but could do nothing with it) but we know better. Joe's originality, insight, and ability to cut through the forest to find a tree was too much for them. Their phony intellectualism couldn't stand the brilliance of Joe's genius.

-- Armand Salese

To the Editor:

It has come to my attention that rumors concerning the Law Journal's failure to publish an article submitted by Dean Munster are highly critical of the quality of the article. Certainly, only those members of the Editorial Board who read the article have any basis upon which to judge it.

The Law Journal did request Dean Munster to write an article for the Military Law Symposium, to be published in January, 1971. We also requested faculty members from other law schools and members of military tribunals to submit articles, hoping that all aspects of military law would be represented.

Dean Munster submitted an article dealing with military jurisdiction, the subject of his doctoral dissertation. His article then proceeded through the normal editorial process. This process is designed to review the substantive adequacy and to conform the article to our citation forms. There were no deficiencies in the substance of the article, and the changes in footnote form were those normally required to bring them into conformity with our standard, the Harvard Citor.

When all manuscripts to be considered for the Military Law Symposium had been received, it became apparent that the subject of military jurisdiction was dealt with in varying degrees by several of the authors. Such duplication of material is not allowed within the format of the Law Journal.

The Law Journal is continually soliciting professors from other law schools to submit articles. Consequently it is important that a favorable rapport be established and maintained. The rejection of an article submitted by a faculty member of one of these schools for reasons of subject matter duplication jeopardizes this rapport.

When I brought this to the attention of Dean Munster, he very graciously offered to withdraw his own article from our consideration. Though his article was eminently qualified for publication, I accepted his offer in order to avoid ill feelings from other authors whose manuscripts would have had to be either rejected or substantially changed.

It is unfortunate that ill-founded rumors find such eager reception. They cause embarrassment and consume time that could be profitably used in more constructive activities. I hope that I have dispelled this one.

--Curtis W. Berner
Editor-in-Chief
Hastings Law Journal

ADMISSIONS...

[Cont from p. 1]

lications will be split up evenly among the five committees, ten to each committee.

Each committee will then work exclusively with that number of applications which it has been assigned. Since all of the applicants have been adjudged to be academically qualified for admission, (barring something in their applications to make it appear otherwise), the choices as to which people will be admitted and which people will be rejected will be based largely on such matters as student activities, publications, honors or special work, unique experiences, and in general, the committees will be looking for anything in the applicant's record which would indicate the probability that he will be successful in law school. The choices are thus made according to guidelines, and the application is evaluated and the committees comments are entered on a cover sheet which is attached to the application. If the committee decides that a certain student should be admitted, then the application is processed accordingly.

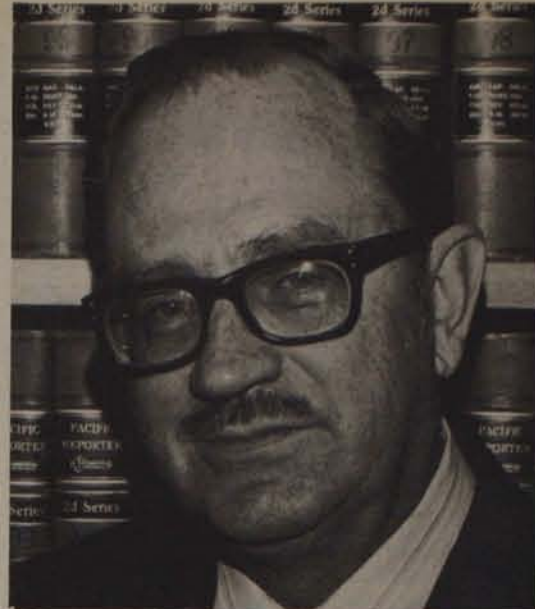
DISAGREEMENT

In the event that the two members of the committee cannot come to an agreement as to whether or not an applicant should or should not be admitted, that application will be submitted to a committee which will arbitrate the relative merits or deficiencies of the application with the members of the committee having the dispute.

In addition to the five committees mentioned above, there will be a separate committee to consider the applications of those students applying under the Special Admissions program, LEOP students.

Dean Anderson also commented on the matter concerning the \$100 deposit which all students must submit upon acceptance. If a student applies to Hastings, pays his deposit, and then subsequently decides to go to another law school, under the present system he loses his deposit. Anderson stated that this policy will be discontinued, and that students will be refunded the \$100 from now on if they decide to go another law school after being accepted at Hastings.

The number of applications received at the College thus far this school year exceeds the number received last year by "roughly 100 percent." Among other reasons, Anderson feels that a major reason that more people are applying to law school is because of the "glut" of people with advanced degrees in science and Ph.D's in the humanities who cannot find jobs, especially due to cutbacks in the budgets for military spending, aerospace, and many educational institutions.



DEAN ANDERSON

[Photo by Azoff]

MESSAGE FROM A.S.H. PRES...

[Cont' from p. 1]

- better legal education.
- b) at least one student should be on the Board of Directors.
- c) Open meetings with the Dean and the faculty will be held periodically.

- 3) More services directed at serving student needs including an open day-care center.

As well, Hastings has been falling down in its role as a mover in the community outside of these walls and thus I would like to see funded and/or organized:

- 1) A recruitment program within minority areas of the city,
- 2) Legal education programs going to local high schools and junior highs.
- 3) Public interest law suits in the name of the Hastings Student Faculty community,
- 4) Legal service projects expanded. When the ASH budget monies have finally been allocated, work in these areas can, I hope, progress.

Finally, there are some basic policies within the College that have little rational basis, such as the \$10 fee for each class change at the start of any semester, and I hope we can work to abolish.

Council Meetings are open to students, faculty, and administration members and all of you are invited to attend, Wednesdays from 3:30-5:00 in Classroom D.

-- Jamie Sutton
ASH President

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